

not to initiate a Section 301 investigation.

**DATES:** *Effective Date:* July 8, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Jonathan Weinberger, Associate General Counsel, (202) 395-0317; Leslie O'Connor, Deputy Assistant USTR for Central America and the Dominican Republic, (202) 395-5190; Kimberley Claman, Senior Director for Investment Affairs & Financial Services, (202) 395-4510; and William Busis, Deputy Assistant USTR for Monitoring and Enforcement and Chair of the Section 301 Committee, (202) 395-3150.

**SUPPLEMENTARY INFORMATION:** On May 24, 2011, representatives of two individuals—Mauricio Gadala Maria and Carolina Maratos Gadala Maria—filed a petition requesting that the Trade Representative initiate a Section 301 investigation with respect to alleged expropriations without adequate compensation by the Government of the Dominican Republic. The petition states that Elias Gadala Maria—the father of the two petitioners—was a national of El Salvador who invested in the Dominican Republic in the early 1950s, during the Trujillo regime. The property of Mr. Gadala Maria, according to the petition, was nationalized in 1961 and 1962 following the end of the Trujillo regime. The two petitioners—U.S. nationals who reside in Florida—allege to be heirs of Mr. Gadala Maria, and thus claim a property interest in having the Dominican Republic provide adequate compensation for the alleged expropriations. The petition also alleges that the Government of the Dominican Republic has continued to take actions—as recently as March 2011—that infringe petitioners' property rights.

Petitioners allege that the Government of the Dominican Republic breached its CAFTA-DR obligations to accord "fair and equitable treatment and full protection and security," and to provide "prompt, adequate and, effective compensation," with respect to investments covered by the CAFTA-DR. Petitioners also contend that the Government of the Dominican Republic has acted unreasonably in denying compensation for the alleged expropriations. Petitioners further claim that the government of the Dominican Republic acted in a "discriminatory" manner because Mr. Gadala Maria allegedly received less favorable treatment than other investors whose property allegedly was expropriated in 1961/62 at the end of the Trujillo regime.

Pursuant to the advice of the interagency Section 301 Committee, the Trade Representative has determined

not to initiate a Section 301 investigation in response to the petition on three separate grounds. First, to the extent that the petition is alleging the expropriation of the property of the petitioners' father—Mr. Gadala Maria—the petition does not allege the expropriation of any property of a U.S. investor because, according to the petition, Mr. Gadala Maria was not a U.S. national. Second, USTR is not in a position to investigate events that occurred five decades ago—well before both the enactment of the Trade Act and the entry into force of the CAFTA-DR—and thus a Section 301 investigation would not be effective in addressing the matters raised in the petition. Third, with regard to more recent acts, policies, and practices of the Dominican Republic that petitioners allege to breach the Dominican Republic's investment obligations under the CAFTA-DR, such allegations can be addressed more effectively and directly through Investor-State dispute resolution under Chapter Ten of the CAFTA-DR, which affords U.S. investors the right to pursue claims for resolution of Investor-State disputes without requiring intervention by the U.S. Government. The merits of any such claims would be determined by an international arbitration panel formed to hear the dispute.

**William Busis,**

*Chair, Section 301 Committee.*

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**BILLING CODE 3190-W1-P**

**OFFICE OF THE UNITED STATES  
TRADE REPRESENTATIVE**

**Petition Under Section 302 on the U.S.-  
Israel Free Trade Agreement; Decision  
Not To Initiate Investigation**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Decision not to initiate investigation.

**SUMMARY:** On May 24, 2011, the Office of the United States Trade Representative (USTR) received a petition pursuant to section 302 of the Trade Act of 1974, as amended ("Trade Act"), requesting that the United States Trade Representative ("Trade Representative") initiate an investigation under sections 301-309 of the Trade Act ("Section 301") with respect to alleged conduct of the Government of Israel during the negotiation in the 1980s of the U.S.-Israel Free Trade Agreement (U.S.-Israel FTA). In accordance with the advice of the interagency Section 301 Committee,

the Trade Representative has determined not to initiate an investigation in response to the petition.

**DATES:** *Effective Date:* July 8, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Jonathan Weinberger, Associate General Counsel, (202) 395-0317; Sonia Franceski, Director for Middle East Affairs, (202) 395-4620; or William Busis, Deputy Assistant USTR for Monitoring and Enforcement and Chair of the Section 301 Committee, (202) 395-3150.

**SUPPLEMENTARY INFORMATION:** On May 24, 2011, an organization entitled the "Institute for Research: Middle Eastern Policy" ("IRMEP") filed a petition pursuant to section 302 of the Trade Act alleging that in 1984, during the negotiation of the U.S.-Israel FTA, the Government of Israel misappropriated business confidential information provided to USTR and the U.S. International Trade Commission by U.S. trade associations, companies, and industries. The petition alleges that the Government of Israel used this information to gain a systemic advantage in the U.S. market, and that this is the cause of the bilateral U.S. trade deficit with Israel. The petition further claims that the alleged misappropriation has diminished the profits of U.S. industry. The petition seeks a \$6.64 billion settlement from the Government of Israel, to be divided among U.S. industry groups.

Upon the advice of the interagency Section 301 Committee, the Trade Representative has determined on two separate grounds not to initiate a Section 301 investigation in response to the petition. First, IRMEP—which describes itself as an organization involved in Middle East policy formation—lacks standing to file a petition addressed to an alleged loss of revenue by U.S. companies. The petition provides a diverse list of 76 corporations and industry associations that purportedly opposed the U.S.-Israel FTA in the mid-1980s, and the petition alleges that IRMEP represents "some" of those corporations and industry associations. USTR regulations, however, require that a petition affirmatively "identify the \* \* \* firm or association \* \* \* which petitioner represents and describe briefly the economic interest of the petitioner which is directly affected by" the matter addressed in the petition. 15 CFR 2006.1(a)(1). The petition fails to do so.

Second, the petition fails to allege the existence of any act, policy, or practice of the Government of Israel that might be actionable under Section 301. Rather, the petition is addressed to an alleged

act by the Government of Israel that occurred over 27 years ago; the petition does not allege that any current acts, policies or practices of the Government of Israel are unjustifiable or unreasonable and burden or restrict U.S. commerce.

**William Busis,**

*Chair, Section 301 Committee.*

[FR Doc. 2011-17808 Filed 7-14-11; 8:45 am]

**BILLING CODE 3190-W1-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Certification of Airports

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 12, 2011, vol. 76, no. 92, pages 27742-27743.

**DATES:** Written comments should be submitted by August 15, 2011.

**FOR FURTHER INFORMATION CONTACT:** Carla Scott on (202) 385-4293, or by e-mail at: [Carla.Scott@faa.gov](mailto:Carla.Scott@faa.gov).

#### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 2120-0675.

*Title:* Certification of Airports, 14 CFR part 139.

*Form Numbers:* FAA Form 5280-1.

*Type of Review:* Renewal of an information collection.

*Background:* Information collection requirements contained in the final rule is used by the FAA to determine an airport operator's compliance with Part 139 safety and operational requirements, and to assist airport personnel to perform duties required under the proposed regulation.

*Respondents:* Approximately 563 airport operators.

*Frequency:* Information is collected on occasion.

*Estimated Average Burden per Response:* 22 hours.

*Estimated Total Annual Burden:* 100,132 hours.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov), or faxed to (202) 395-6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

*Public comments invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC, on June 29, 2011.

**Carla Scott,**

*FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES-300.*

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Waiver Petition Docket Numbers FRA-2011-0002, CSX Transportation Railroad, and FRA-2004-17565, Union Pacific Railroad; Public Hearing

On February 23, 2011, the Federal Railroad Administration (FRA) published a notice in the **Federal Register** (76 FR 10087) announcing the CSX Transportation Railroad's (CSXT) request for a waiver to operate RailRunner equipment in RailRunner only operations; operate RailRunner equipment commingled with RoadRailer bi-modal equipment; and RailRunner equipment operating behind various conventional railcars. On November 22, 2010, FRA published a notice in the **Federal Register** (75 FR 224) announcing the Union Pacific Railroad's request for an amendment to their existing waiver of certain provisions of the Safety Appliance Standards, Title 49 Code of Federal Regulations (CFR) Part

231, and Power Brakes and Drawbars per 49 CFR part 232 relative to commingling RailRunner equipment with their RoadRailer trains.

FRA has determined upon investigation that the facts of these two proceedings warrant a public hearing. Accordingly, a hearing is hereby scheduled to begin at 10 a.m. on August 3, 2011, at the Courtyard by Marriott Capitol Hill/Navy Yard, 140 L Street, SE., Washington, DC 20003. Interested parties are invited to present oral statements at this hearing. For information on facilities or services for persons with disabilities or to request special assistance at the hearing, contact FRA's Docket Clerk, Jerome Melis-Tull by telephone, e-mail, or in writing at least 5 business days before the date of the hearing. Mr. Melis-Tull's contact information is as follows: FRA, Office of Chief Counsel, Mail Stop 10, 1200 New Jersey Avenue, SE., Washington, DC 20590; telephone 202-493-6030; e-mail [Jerome.Melis-Tull@dot.gov](mailto:Jerome.Melis-Tull@dot.gov).

The informal hearing will be conducted by a representative designated by FRA in accordance with FRA's Rules of Practice (see particularly 49 CFR 211.25). FRA's representative will make an opening statement outlining the scope of the hearing, as well as any additional procedures for the conduct of the hearing. The hearing will be a non-adversarial proceeding in which all parties will be given the opportunity to express their views regarding the waiver petition(s) without cross-examination. After all initial statements have been completed, those individuals wishing to make rebuttal statements will be given an opportunity to do so.

All communications concerning these proceedings should identify the appropriate docket numbers and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202-493-2251
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet